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13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 VOTING RIGHTS DEFENSE PROJECT, et
17 al.,

18 Plaintiffs,

19 v.

20 ALEX PADILLA, et al.,

21 Defendants.

Case No. C-16-02739 WHA

EX PARTE APPLICATION FOR MOTION
TO SHORTEN TIME FOR HEARING
MOTION FOR PRELIMINARY
INJUNCTION

22 I, WILLIAM M. SIMPICH, declare:

- 23 1. I am attorney for plaintiffs in this action.
24 2. I request the court to shorten time for hearing for a preliminary injunction in this
25 matter.
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- 1 3. The facts are as follows: On or about May 13, it came to my attention that there were
2 certain irregularities regarding the notice about the election. I learned that there were
3 applications to vote by mail that were in violation of Elections Code 3006 that were
4 causing much confusion among non party preference voters about how to vote for
5 President. I heard reports that people were changing their parties in order to be able to
6 vote for President in the primary.
7
- 8 4. People asked me if I could help them take action, including Sanders campaigners and
9 the American Independent Party chair. I wrote to the county counsel for San Francisco,
10 Alameda, and San Mateo. The San Francisco counsel wrote a long letter arguing with
11 me about every contention that I had made and admitting no error. Given the same
12 facts, the San Mateo County Counsel thanked me and changed the application to vote
13 by mail documents posted on their website. I wrote the Elections chief for Alameda
14 County and left a phone message as well, and got no response of any kind.
15
- 16 5. I filed this lawsuit on Friday, May 20, amending the complaint late in the day. Since
17 then, the San Francisco City Attorney's office has sent out two press releases denying
18 any mistakes were made of any kind and claiming that every material statement
19 contained in Plaintiffs' complaint is an error. Despite this kind of reception, all parties
20 were finally able to sit down on May 27 and had a civil discussion on the various issues
21 with various proposals being made though none have yet reached fruition.
22
- 23 6. In the interim, I have been flooded with calls from poll workers and others across the
24 state. I could not go to court without assessing the evidence. I contacted counsel on
25 May 26 and informed them of our intention to seek this preliminary injunction. I do not
26 know any way I could have filed the complaint any sooner than May 20; nor do I know
27 any way that this motion could have been brought any sooner than May 27 given the
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1 context of the need to evaluate the evidence, given that plaintiffs are raising a new
2 claim of unequal treatment due to poll workers in the state informing no party
3 preference voters of their right to vote for President in an inconsistent manner: Some
4 are trained to inform the NPP voter of their right to request a presidential ballot; some
5 are not given that training; and some let the individual poll worker decide.

- 6
7 7. The state of the law in this area is relatively clear in my mind, but I have a duty to get
8 the law right in the various areas of this suit and communicate it clearly to the court
9 despite these new emerging facts such as those stated above.

10 I declare under penalty of perjury that the foregoing is true and correct and of my own
11 personal knowledge except for those matters stated on information and belief, and as
12 for those matters, I believe them to be true. Executed on May 27, 2016, in San
13 Francisco, California.
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16 _____/s/_____

17 WILLIAM M. SIMPICH
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